

AGENDA ITEM I-1



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution of Intention to form Lodi Tourism Business Improvement District and Adopt Resolution Appointing an Advisory Board"

MEETING DATE: September 15, 2004

PREPARED BY: City Attorney

RECOMMENDED ACTION: Consider Adoption of 1) Resolution of Intention to form Lodi Tourism Business Improvement District and 2) Resolution Appointing the Advisory Board for the Lodi Tourism Business Improvement District.

BACKGROUND INFORMATION: The Lodi Conference and Visitors Bureau (LCVB) requests that Council assist with its funding by establishing a Lodi Tourism Business Improvement District pursuant to the Parking and Business Improvement Law of 1989, California Streets and Highways Code §§ 36500 et seq. If established the LTBD would then receive funding by an assessment levied as a percentage of the room charge for all hotels within the City of Lodi.

The first step necessary to establish a Business Improvement District is for the Council to consider, and if amenable, approve the passage of a Resolution of Intention to establish the District. (Streets and Highways § 36522) The Resolution must set the boundaries of the district; name the district; establish the activities of the district; state that, unless otherwise funded, the district will be funded through assessments levied against the members of the district; state the proposed method of the levy in sufficient detail to permit the proposed assessees to estimate their assessment; state whether new businesses will be exempt; fix the time for a public hearing; and state that the hearing will allow for testimony of all interested persons for or against the establishment of the district.

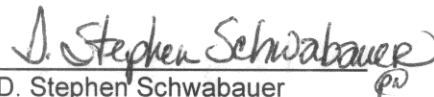
The Resolution and Notice of the Hearing on the actual establishment of the district must then be published in the paper and mailed to each prospective member of the district. A second hearing to actually establish the district would occur later, if the Resolution of Intention is passed. A majority protest at the hearing would prevent the establishment of the District. The vote is weighted according to the percentage of the overall assessment that the protesting business would pay. A spreadsheet showing the vote weighting is attached as Exhibit A.

A timeline for the remaining actions to establish the district is attached as Exhibit B for Council's consideration.

Streets and Highways Code § 36530 provides that the Council may appoint the advisory board prior to adopting the resolution of intention so that the advisory board may recommend the provision of the resolution of intention. This would seemingly also allow their appointment at the same time as the resolution of intention is adopted to allow involvement in the ultimate district. Attached is a Resolution Appointing Advisory Board for Council consideration as recommended by the Lodi Conference and Visitors Bureau.

FUNDING: Not applicable.

DSS/pn
Attachment
cc: Nancy Beckman, LCVB


D. Stephen Schwabauer
City Attorney

APPROVED:

Janet S. Keeter, Interim City Manager

EXHIBIT A

Number of Votes

Wine and Roses Country Inn Wine and Roses Country Inn, LLC Agent for Service of Process : Russel G Munson 2505 W Turner Rd Lodi, CA 95242 Phone: 209-334-6988 Bus Tax # : 2121	2472
Del Rancho Motel Ashvin R Patel 501 N Cherokee Ln Lodi, CA 95240 Phone: 209-368-5348 Bus Tax # : 10936	178
Holiday Inn Express Daryl Geweke PO Box 1210 (1140 S Cherokee Ln) Lodi, CA 95241 Phone: 209-334-6422 Bus Tax # : 568	3237
Star Hotel Jay K/Sangrita J Patel 22 S Main St Lodi, CA 95240 Phone: 209-368-3261,209-368-4122 Bus Tax # : 3467	4
Budget Inn of Lodi Suresh B Patel 917 S Cherokee Ln Lodi, CA 95240 Phone: 209-369-1091 Bus Tax # : 495	165
Comfort Inn - Lodi KFP Management, Inc Agent for Service of Process : Kyu S Kim 118 N Cherokee Ln Lodi, CA 95240 Phone: 209-367-4848 Bus Tax # : 12851	1783
Lodi El Rancho Motel R & P Properties, Inc Agent for Service of Process : Ramesh Pitamber 220 Harding Bv (603 N Cherokee Ln)	510

Roseville, CA 95678
Phone: 916-783-0961
Bus Tax # : 12126

Yadav & Assoc/Modern Motor Lodge 18
Sunil/Shobhana/Sushil/Sonal Yadav
1050 S Cherokee Ln
Lodi, CA 95240
Phone: 209-333-8844, 209-333-9812
Bus Tax # : 621

Wine Country Inn 183
Shobhana/Surendra F Patel
607 S Cherokee Ln
Lodi, CA 95240
Phone: 209-368-1152
Bus Tax # : 748

Rancho Grande Motel 55
Hasmukh M/Rita Bhakta
807 S Cherokee Ln
Lodi, CA 95240
Phone: 209-334-3303
Bus Tax # : 8627

Traveler's Motel 23
Ghanshyam A/Mita Patel
112 N School St
Lodi, CA 95240
Phone: 209-368-1518
Bus Tax # : 444

Viking Motel 69
Rakesh G/Smita Patel
815 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-6229
Bus Tax # : 6900

Royal Host Inn 1169
Chetan H/Prakash J/Pradeepkumar/Paresh J Patel
710 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-8484
Bus Tax # : 760

Imperial Hotel 8
Mumraiez Ahmad
9 W Oak St
Lodi, CA 95240
Phone: 209-366-0964, 209-369-5744

EXHIBIT A

Bus Tax # : 391

Economy Inn
Hasmukh/Rita/Jayanti/Kalavati Bhakta
1100 S Cherokee Ln
Lodi, CA 95240
Phone: 209-368-3778
Bus Tax # : 8256

124

Main Hotel
Gunvant Bhatka
4 S Main St
Lodi, CA 95240
Phone: 209-334-6059
BusTax # : 1166

2

10000

EXHIBIT B

LODI TOURISM BUSINESS IMPROVEMENT DISTRICT TIME TABLE

(Pursuant to Streets & Highways Code 36500 et seq.)

DATE	ACTION
September 10, 2004	City Clerk to mail copy of 09/15/04 agenda & staff report to 16 hotel/motel owners <i>(as provided by the Finance Department)</i>
September 15, 2004	City Council Meeting ➤ Appoint Advisory Board ➤ Adopt Resolution of Intention
September 17, 2004	Mailing of Notice of Public Hearing <i>(i.e. Resolution of Intention)</i> to all hotel/motel owners subject to the assessment
September 20, 2004	Publish Resolution of Intention in Lodi News-Sentinel <i>(1x at least 7 days prior to public hearing)</i>
October 6, 2004	City Council Meeting <i>Public Hearing</i> to hear testimony of all interested persons for or against the establishment of the BID and the levy of proposed new assessments. <i>Note: 36525 (a) If written protests are received from the owners of businesses in the proposed area which will pay 50% or more of the assessments proposed to be levied, no further proceedings to create the BID or to levy the proposed assessment, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.</i> ➤ Introduction of Ordinance Establishing BID <i>(Public hearing to be held not less than 20 or more than 30 days after the adoption of the resolution of intention)</i>
October 20, 2004	City Council Meeting ➤ Adoption of Ordinance Establishing BID

Prepared by City Clerk
With approval of City Attorney Schwabauer and
John Lambeth & Lisa Nava of DownTown Resources

(Procedure/BID time tableEE)

RESOLUTION NO. 2004-_____

A RESOLUTION OF THE LODI CITY COUNCIL
DECLARING ITS INTENTION TO ESTABLISH THE LODI
TOURISM BUSINESS IMPROVEMENT DISTRICT
(LTBID) AND TO LEVY AND COLLECT ASSESSMENTS
WITHIN THE LTBID BOUNDARIES

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WHEREAS, the Lodi Conference and Visitors Bureau is interested in establishing the Lodi Tourism Business Improvement District (LTBID) and levy an assessment on hotels with the LTBID; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to establish parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to establish such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council declares its intention to establish the LTBID and to levy and collect assessments within the LTBID boundaries pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the LTBID shall be the city limits of the City of Lodi.

Section 3. The name of the district shall be the Lodi Tourism Business Improvement District.

Section 4. The LTBID proposes to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi.

Section 5. The proposed LTBID will include all hotels within the City of Lodi. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi based upon 3% of the **gross Short Term Room Rental revenue beginning January 1, 2005.** An assessment will be levied annually to pay for the improvements and activities within the area **and will be collected quarterly based on 3% of the gross Short Term Room Rental revenues for the previous quarter.** New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531. Pursuant to the City of Lodi's transient occupancy tax ordinance, assessments pursuant to the LTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. **As used in this Resolution, the phrase "Short Term Room Rental" shall mean occupancies that last less than 30 consecutive days.**

Section 6. The LTBD proposed annual assessment in year one totals approximately \$156,000. The funds raised shall be spent on a Marketing Program, Administration & Personnel, and BID Development / Formation.

Section 7. The City of Lodi will collect the assessments **quarterly** from hotels within the City. **The City of Lodi will collect the assessment on the same form as that used for the collection of transient occupancy tax receipts. The City of Lodi will charge a 5% collection fee on amounts collected and will remit the net amount to the LTBD within 30 days after collections occur.**

Section 8. The LTBD advisory board shall submit an annual report, **which shall include a budget for operations and a detailed identification of the marketing efforts to be undertaken by the LTBD for the ensuing calendar year**, to the Lodi City Council pursuant to Section 36533.

Section 9. The Lodi City Council shall appoint the Advisory Board as described in Section 36530.

Section 10. The time and place for the public hearing to establish the LTBD and the levy of the assessments is set for October 6, 2004, at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.

Section 11. At the public hearing, the testimony of all interested persons for or against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities will be heard.

Section 12. A protest against the LTBD, or any aspect of it, may be made in writing. To count in the majority protest against the LTBD, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public meeting.

Section 13. If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the LTBD that will pay fifty percent (50%) or more of the total assessments of the entire LTBD, no further proceedings to

create the LTBID shall occur. New proceedings to form the LTBID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests is only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBID.

Section 14. Further information regarding the proposed Lodi Tourism Business Improvement District may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 15. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBID within seven (7) days of the adoption of this Resolution by the City Council.

Section 16. This Resolution is effective on its adoption.

Dated: September 15, 2004

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I hereby certify that Resolution No. 2004-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2004-_____

RESOLUTION NO. 2004-192

A RESOLUTION OF THE LODI CITY
COUNCIL APPOINTING LODI TOURISM
BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD

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WHEREAS, the Lodi City Council adopted a Resolution of Intention to form the Lodi Tourism Business Improvement District (LTBID) at its meeting held September 15, 2004; and

WHEREAS, the Lodi City Council now desires to appoint an Advisory Board for the LTBID; and

WHEREAS, the following is a list of names that have been recommended by Nancy Beckman, Executive Director of the Lodi Conference and Visitors' Bureau to sit on the Advisory Board:

Tabitha Freytag	Wine and Roses
Beth Kim	Comfort Inn
Sonny Patel	Wine Country Inn
Sunil Yadav	Modern Motor Lodge
Mary Wallace	Frames & Fine Things
Kelli Mettler	Wine & Visitor Center
Betty Hansen	Jewel Fine Wines

NOW, THEREFORE, BE IT RESOLVED that the Advisory Board is hereby appointed as recommended above.

Dated: September 15, 2004

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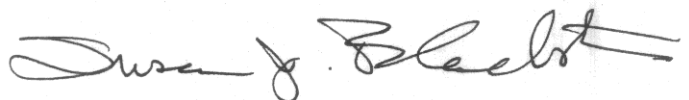
I hereby certify that Resolution No. 2004-192 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

RESOLUTION NO. 2004-191

A RESOLUTION OF THE LODI CITY COUNCIL
DECLARING ITS' INTENTION TO ESTABLISH THE LODI
TOURISM BUSINESS IMPROVEMENT DISTRICT
(LTBID) AND TO LEVY AND COLLECT ASSESSMENTS
WITHIN THE LTBID BOUNDARIES

=====

WHEREAS, the Lodi Conference and Visitors Bureau is interested in establishing the Lodi Tourism Business Improvement District (LTBID) and levy an assessment on hotels with the LTBID; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to establish parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to establish such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council declares its intention to establish the LTBID and to levy and collect assessments within the LTBID boundaries pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the LTBID shall be the city limits of the City of Lodi.

Section 3. The name of the district shall be the Lodi Tourism Business Improvement District.

Section 4. The LTBID proposes to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi.

Section 5. The proposed LTBID will include all hotels within the City of Lodi. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi based upon 3% of the gross Short Term Room Rental revenue beginning January 1, 2005. An assessment will be levied annually to pay for the improvements and activities within the area and will be collected quarterly based on 3% of the gross Short Term Room Rental revenues for the previous quarter. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531. Pursuant to the City of Lodi's transient occupancy tax ordinance, assessments pursuant to the LTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. As used in this Resolution, the phrase "Short Term Room Rental" shall mean occupancies that last less than 30 consecutive days.

Section 6. The LTBID proposed annual assessment in year one totals approximately \$156,000. The funds raised shall be spent on a Marketing Program, Administration and Personnel, and BID Development / Formation.

Section 7. The City of Lodi will collect the assessments quarterly from hotels within the City. The City of Lodi will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts. The City of Lodi will charge a 5% collection fee on amounts collected and will remit the net amount to the LTBID within 30 days after collections occur.

Section 8. The LTBID advisory board shall submit an annual report, which shall include a budget for operations and a detailed identification of the marketing efforts to be undertaken by the LTBID for the ensuing calendar year, to the Lodi City Council pursuant to Section 36533.

Section 9. The Lodi City Council shall appoint the Advisory Board as described in Section 36530.

Section 10. The time and place for the public hearing to establish the LTBID and the levy of the assessments is set for **October 6, 2004, at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 11. At the public hearing the testimony of all interested persons for or against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities will be heard.

Section 12. A protest against the LTBID, or any aspect of it, may be made in writing. To count in the majority protest against the LTBID, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

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If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Section 13. If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the LTBID that will pay fifty percent (50%) or more of the total assessments of the entire LTBID (Exhibit A), no further proceedings to create the LTBID shall occur. New proceedings to form the LTBID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests is only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBID.

Section 14. Further information regarding the proposed LTBD may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 15. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBD within seven (7) days of the adoption of this Resolution by the City Council.

Section 16. This Resolution is effective on its adoption.

Dated: September 15, 2004

=====

I hereby certify that Resolution No. 2004-191 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

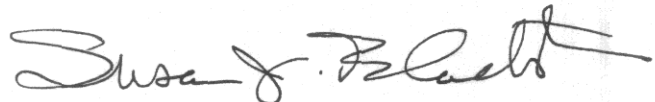

SUSAN J. BLACKSTON
City Clerk

EXHIBIT A

Number of Votes

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Del Rancho Motel Ashvin R Patel 501 N Cherokee Ln Lodi, CA 95240 Phone: 209-368-5348 Bus Tax # : 10936	178
Holiday Inn Express Daryl Geweke PO Box 1210 (1140 S Cherokee Ln) Lodi, CA 95241 Phone: 209-334-6422 Bus Tax # : 568	3237
Star Hotel Jay K/Sangrita J Patel 22 S Main St Lodi, CA 95240 Phone: 209-368-3261, 209-368-4122 Bus Tax # : 3467	4
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Lodi, CA 95240
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Bus Tax #: 748

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Rancho Grande Motel
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815 S Cherokee Ln
Lodi, CA 95240
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Bus Tax #: 6900

69

Royal Host Inn
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1169

Imperial Hotel
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8

EXHIBIT A

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Hasmukh/Rita/Jayanti/Kalavati Bhakta
1100 S Cherokee Ln
Lodi, CA 95240
Phone: 209-368-3778
Bus Tax # : 8256

124

Main Hotel
Gurvant Bhatka
4 S Main St
Lodi, CA 95240
Phone: 209-334-6059
BusTax # : 1166

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10000

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2004-191

A RESOLUTION OF THE LODI CITY COUNCIL DECLARING ITS INTENTION TO ESTABLISH THE LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID) AND TO LEVY AND COLLECT ASSESSMENTS WITHIN THE LTBID BOUNDARIES

WHEREAS, the Lodi Conference and Visitors Bureau is interested in establishing the Lodi Tourism Business Improvement District (LTBID) and levy an assessment on hotels within the LTBID; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to establish parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to establish such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

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Section 3. The name of the district shall be the Lodi Tourism Business Improvement District.

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Section 13. If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the LTBID that will pay fifty percent (50%) or more of the total assessments of the entire LTBID (Exhibit A), no further proceedings to create the LTBID shall occur. New proceedings to form the LTBID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests is only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBID.

Section 14. Further information regarding the proposed LTBID may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 15. The City Clerk is instructed to provide notice of the public hearing as follows:

a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.

b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBID within seven (7) days of the adoption of this Resolution by the City Council.

Section 16. This Resolution is effective on its adoption.

Dated: September 15, 2004

I hereby certify that Resolution No. 2004-191 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS - Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS - None
ABSENT: COUNCIL MEMBERS - None
ABSTAIN: COUNCIL MEMBERS - None

SUSAN J. BLACKSTON
City Clerk

Wine and Roses Country Inn
Wine and Roses Country Inn, LLC
Agent for Service of Process: Russel G Munson
2505 W Turner Rd
Lodi, CA 95242
Phone: 209-334-6988
Bus Tax #: 2121

Number of Votes
2472

Del Rancho Motel
Ashvin R Patel
501 N. Cherokee Ln
Lodi, CA 95240
Phone: 209-368-5348
Bus Tax #: 10936

178

Holiday Inn Express
Daryl Geweke
PO Box 1210 (1140 S. Cherokee Ln)
Lodi, CA 95241
Phone: 209-334-6422
Bus Tax #: 588

3237

Star Hotel
Jay K/Sangrita J Patel
223 Main St
Lodi, CA 95240
Phone: 209-368-3281, 209-368-4122
Bus Tax #: 3467

4

Budget Inn of Lodi
Suresh B Patel
217 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-1091
Bus Tax #: 495

165

Comfort Inn - Lodi
KFP Management, Inc
Agent for Service of Process: Kyu S Kim
115 N Cherokee Ln
Lodi, CA 95240
Phone: 209-367-4848
Bus Tax #: 12851

1783

Lodi El Rancho Motel
R & P Properties, Inc
Agent for Service of Process: Ramesh Pflamber
220 Harding Bv (303 N Cherokee Ln)
Roseville, CA 95678
Phone: 916-783-0961
Bus Tax #: 12126

510

Yadav & Assoc/Modern Motor Lodge
Sunil/Shobhana/Sushil/Sonali Yadav
1050 S Cherokee Ln
Lodi, CA 95240
Phone: 209-333-8844, 209-333-9812
Bus Tax #: 621

18

Wine Country Inn
Shobhana/Surendra F Patel
607 S CHEROKEE LN
LODI, CA 95240
Phone: 209-368-1152
Bus Tax #: 748

183

Rancho Grande Motel
Hasmukh/Rita Bhakta
807 S Cherokee Ln
Lodi, CA 95240
Phone: 209-334-3303
Bus Tax #: 8627

55

Traveler's Hotel
Ghanshyam A/Mita Patel
112 N School St
Lodi, CA 95240
Phone: 209-368-1518
Bus Tax #: 6900

444

Viking Motel
Rakesh G/Smita Patel
815 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-6229
Bus Tax #: 6900

89

Royal Host Inn
Chetan H/Prakash J/Pradeepkumar/Pareesh J Patel
710 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-8484
Bus Tax #: 760

1169

Imperial Hotel
Mumtaz Ahmad
3 W Oak St
Lodi, CA 95240
Phone: 209-368-0964, 209-369-5744
Bus Tax #: 391

8

Economy Inn
Hasmukh/Rita/Jayanti/Kalevati Bhakta
1100 S Cherokee Ln
Lodi, CA 95240
Phone: 209-368-3778
Bus Tax #: 8256

124

Main Hotel
Gurvanit Bhakta
4 S Main St
Lodi, CA 95240
Phone: 209-334-6059
Bus Tax #: 1168

2

10000

September 20, 2004



***Please immediately confirm receipt
of this fax by calling 333-6702***

CITY OF LODI
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

ADVERTISING INSTRUCTIONS

SUBJECT: RESOLUTION DECLARING INTENTION TO ESTABLISH LODI TOURISM
BUSINESS IMPROVEMENT DISTRICT (LTBID) AND LEVY AND COLLECT
ASSESSMENTS WITHIN THE LTBID BOUNDARIES

LEGAL AD

PUBLISH DATE: MONDAY, SEPTEMBER 20, 2004

TEAR SHEETS WANTED: Three (3) please

SEND AFFIDAVIT AND BILL TO: SUSAN BLACKSTON, CITY CLERK
City of Lodi
P.O. Box 3006
Lodi, CA 95241-1910

DATED: THURSDAY, SEPTEMBER 16, 2004

ORDERED BY:

KARI J. CHADWICK
ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC
DEPUTY CITY CLERK

Jennifer M. Perrin
JENNIFER M. PERRIN, CMC
DEPUTY CITY CLERK

Verify Appearance of this Legal in the Newspaper – Copy to File

PLEASE → **SEND PROOF OF ADVERTISEMENT. THANK YOU!!**

Faxed to the Sentinel at 369-1084 at 2:50pm (time) on 9/16/04 (date) 7 (pages)
LNS _____ Phoned to confirm receipt of all pages at _____ (time) _____ Jac _____ Jen (initials)



DECLARATION OF MAILING

RESOLUTION DECLARING INTENTION TO ESTABLISH LODI TOURISM BUSINESS IMPROVEMENT DISTRICT (LTBID) AND LEVY AND COLLECT ASSESSMENTS WITHIN THE LTBID BOUNDARIES AND RESOLUTION APPOINTING LTBID ADVISORY BOARD

On September 16, 2004, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing resolution declaring intention to establish Lodi Tourism Business Improvement District (LTBID) and levy and collect assessments within the LTBID boundaries AND resolution appointing LTBID Advisory Board, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

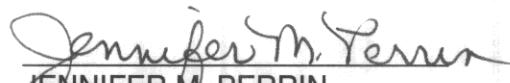
Executed on September 16, 2004, at Lodi, California.

ORDERED BY:

**SUSAN BLACKSTON
CITY CLERK, CITY OF LODI**

ORDERED BY:

JACQUELINE L. TAYLOR
DEPUTY CITY CLERK


JENNIFER M. PERRIN
DEPUTY CITY CLERK

KARI J. CHADWICK
ADMINISTRATIVE CLERK

EXHIBIT A

NOTICE OF PUBLIC HEARING

LODI CITY COUNCIL

221 W. PINE STREET, LODI, 95240 --TELEPHONE 333-6702

DATE: Wednesday, October 6, 2004

TIME: 7:00 p.m., or as soon thereafter as the matter can be heard

PLACE: Carnegie Forum, 305 West Pine Street, Lodi

SUBJECT: To establish the Lodi Tourism Business Improvement District (LTBID) and the levy of assessments.

(IMPORTANT – READ ENCLOSED RESOLUTION 2004-191)

At the public hearing the testimony of all interested persons for or against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities will be heard.

A protest against the LTBID, or any aspect of it may be made in writing. To count in the majority protest against the LTBID, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

ALL PROCEEDINGS BEFORE THE CITY COUNCIL ARE CONDUCTED IN ENGLISH. THE CITY OF LODI DOES NOT FURNISH INTERPRETERS, AND, IF ONE IS NEEDED, IT SHALL BE THE RESPONSIBILITY OF THE PERSON NEEDING ONE.

ANYONE WISHING TO BE HEARD ON THE ISSUE MAY APPEAR BEFORE THE CITY COUNCIL AT THE TIME OF THE PUBLIC HEARING. IF YOU CHALLENGE THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK/CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

Date Mailed: September 16, 2004



**SUSAN J. BLACKSTON
CITY CLERK OF THE CITY OF LODI**

NOTICE OF PUBLIC HEARING

RESOLUTION NO. 2004-191

**A RESOLUTION OF THE LODI CITY COUNCIL
DECLARING ITS' INTENTION TO ESTABLISH THE LODI
TOURISM BUSINESS IMPROVEMENT DISTRICT
(LTBID) AND TO LEVY AND COLLECT ASSESSMENTS
WITHIN THE LTBID BOUNDARIES**

=====

WHEREAS, the Lodi Conference and Visitors Bureau is interested in establishing the Lodi Tourism Business Improvement District (LTBID) and levy an assessment on hotels with the LTBID; and

WHEREAS, the Parking and Business Improvement Area Law of 1989 Section 36500 et seq. of the Streets and Highways Code authorizes cities to establish parking and business improvement areas for the purpose of promoting tourism; and

WHEREAS, businesses within the LTBID have requested the Lodi City Council to establish such an improvement area.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby resolve, determine, and find as follows:

Section 1. The recitals set forth herein are true and correct.

Section 2. The City Council declares its intention to establish the LTBID and to levy and collect assessments within the LTBID boundaries pursuant to the Parking and Business Improvement Area Law of 1989, Streets and Highways Code Section 36500 et seq. The boundaries of the LTBID shall be the city limits of the City of Lodi.

Section 3. The name of the district shall be the Lodi Tourism Business Improvement District.

Section 4. The LTBID proposes to administer marketing programs to promote the City of Lodi as a tourism destination and to fund projects, programs, and activities that benefit hotels within the City of Lodi.

Section 5. The proposed LTBID will include all hotels within the City of Lodi. The assessment is proposed to be levied on all hotels, existing and future, within the City of Lodi based upon 3% of the gross Short Term Room Rental revenue beginning January 1, 2005. An assessment will be levied annually to pay for the improvements and activities within the area and will be collected quarterly based on 3% of the gross Short Term Room Rental revenues for the previous quarter. New hotels within the boundaries will not be exempt from the levy of assessment pursuant to Section 36531. Pursuant to the City of Lodi's transient occupancy tax ordinance, assessments pursuant to the LTBID shall not be included in gross room rental revenue for purpose of determining the amount of the transient occupancy tax. As used in this Resolution, the phrase "Short Term Room Rental" shall mean occupancies that last less than 30 consecutive days.

Section 6. The LTBID proposed annual assessment in year one totals approximately \$156,000. The funds raised shall be spent on a Marketing Program, Administration and Personnel, and BID Development / Formation.

Section 7. The City of Lodi will collect the assessments quarterly from hotels within the City. The City of Lodi will collect the assessment on the same form as that used for the collection of Transient Occupancy Tax receipts. The City of Lodi will charge a 5% collection fee on amounts collected and will remit the net amount to the LTBID within 30 days after collections occur.

Section 8. The LTBID advisory board shall submit an annual report, which shall include a budget for operations and a detailed identification of the marketing efforts to be undertaken by the LTBID for the ensuing calendar year, to the Lodi City Council pursuant to Section 36533.

Section 9. The Lodi City Council shall appoint the Advisory Board as described in Section 36530.

Section 10. The time and place for the public hearing to establish the LTBID and the levy of the assessments is set for **October 6, 2004, at 7:00 p.m., at the Carnegie Forum, 305 West Pine Street, Lodi, California.**

Section 11. At the public hearing the testimony of all interested persons for or against the establishment of the area, the extent of the area, or the furnishing of specified types of improvements or activities will be heard.

Section 12. A protest against the LTBID, or any aspect of it, may be made in writing. To count in the majority protest against the LTBID, a protest must be in writing. A written protest may be withdrawn from writing at any time before the conclusion of the public hearing. Each written protest shall contain a written description of the business in which the person signing the protest is interested, sufficient to identify the business and its address. If the person signing the protest is not shown on the official records of the City of Lodi as the owner of the business, then the protest shall contain or be accompanied by written evidence that the person is the owner of the business. Any written protest as to the regularity or evidence of the proceedings shall be in writing and clearly state the irregularity or defect to which objection is made. Written protests must be received by the City Clerk of the City of Lodi before the close of the hearing scheduled herein and may be delivered to the City Clerk at City Hall, 221 W. Pine Street, Lodi, California, 95240 or mailed to the City Clerk at P.O. Box 3006, Lodi, CA 95241.

All proceedings before the City Council are conducted in English. The City of Lodi does not furnish interpreters, and, if one is needed, it shall be the responsibility of the person needing one.

If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk/City Council at, or prior to, the public hearing.

Section 13. If, at the conclusion of the public hearing, there are of record, written protests by the owners of the businesses within the LTBID that will pay fifty percent (50%) or more of the total assessments of the entire LTBID (Exhibit A), no further proceedings to create the LTBID shall occur. New proceedings to form the LTBID shall not be undertaken again for a period of at least one (1) year from the date of the finding of the majority written protest by the City Council. If the majority of written protests is only as to an improvement or activity proposed, then that type of improvement or activity shall not be included in the LTBID.

Section 14. Further information regarding the proposed LTBD may be obtained from the City Clerk, City of Lodi, 221 West Pine Street, Lodi, California 95240.

Section 15. The City Clerk is instructed to provide notice of the public hearing as follows:

- a. Publish this Resolution of Intention in a newspaper of general circulation in the City of Lodi once, at least seven (7) days before the hearing.
- b. Mail complete copy of this Resolution of Intention to each and every business owner proposed to be assessed in the LTBD within seven (7) days of the adoption of this Resolution by the City Council.

Section 16. This Resolution is effective on its adoption.

Dated: September 15, 2004

=====

I hereby certify that Resolution No. 2004-191 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk

EXHIBIT A

Number of Votes

Wine and Roses Country Inn Wine and Roses Country Inn, LLC Agent for Service of Process : Russel G Munson 2505 W Turner Rd Lodi, CA 95242 Phone: 209-334-6988 Bus Tax # : 2121	2472
Del Rancho Motel Ashvin R Patel 501 N Cherokee Ln Lodi, CA 95240 Phone: 209-368-5348 Bus Tax # : 10936	178
Holiday Inn Express Daryl Geweke PO Box 1210 (1140 S Cherokee Ln) Lodi, CA 95241 Phone: 209-334-6422 Bus Tax # : 568	3237
Star Hotel Jay K/Sangrita J Patel 22 S Main St Lodi, CA 95240 Phone: 209-368-3261, 209-368-4122 Bus Tax # : 3467	4
Budget Inn of Lodi Suresh B Patel 917 S Cherokee Ln Lodi, CA 95240 Phone: 209-369-1091 Bus Tax # : 495	165
Comfort Inn - Lodi KFP Management, Inc Agent for Service of Process : Kyu S Kim 118 N Cherokee Ln Lodi, CA 95240 Phone: 209-367-4848 Bus Tax # : 12851	1783
Lodi El Rancho Motel R & P Properties, Inc Agent for Service of Process : Ramesh Pitamber 220 Harding Bv (603 N Cherokee Ln)	510

EXHIBIT A

Roseville, CA 95678
Phone: 916-783-0961
Bus Tax # : 12126

Yadav & Assoc/Modern Motor Lodge
Sunil/Shobhana/Sushil/Sonal Yadav
1050 S Cherokee Ln
Lodi, CA 95240
Phone: 209-333-8844, 209-333-9812
Bus Tax # : 621

18

Wine Country Inn
Shobhana/Surendra F Patel
607 S Cherokee Ln
Lodi, CA 95240
Phone: 209-368-1152
Bus Tax # : 748

183

Rancho Grande Motel
Hasmukh M/Rita Bhakta
807 S Cherokee Ln
Lodi, CA 95240
Phone: 209-334-3303
Bus Tax # : 8627

55

Traveler's Motel
Ghanshyam A/Mita Patel
112 N School St
Lodi, CA 95240
Phone: 209-368-1518
Bus Tax # : 444

23

Viking Motel
Rakesh G/Smita Patel
815 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-6229
Bus Tax # : 6900

69

Royal Host Inn
Chetan H/Prakash J/Pradeepkumar/Paresh J Patel
710 S Cherokee Ln
Lodi, CA 95240
Phone: 209-369-8484
Bus Tax # : 760

1169

Imperial Hotel
Mumraiez Ahmad
9 W Oak St
Lodi, CA 95240
Phone: 209-366-0964, 209-369-5744

8

EXHIBIT A

Bus Tax # : 391

Economy Inn
Hasmukh/Rita/Jayanti/Kalavati Bhakta
1100 S Cherokee Ln
Lodi, CA 95240
Phone: 209-368-3778
Bus Tax # : 8256

124

Main Hotel
Gurvant Bhatka
4 S Main St
Lodi, CA 95240
Phone: 209-334-6059
BusTax # : 1166

2

10000

RESOLUTION NO. 2004-192

A RESOLUTION OF THE LODI CITY
COUNCIL APPOINTING LODI TOURISM
BUSINESS IMPROVEMENT DISTRICT
ADVISORY BOARD

=====

WHEREAS, the Lodi City Council adopted a Resolution of Intention to form the Lodi Tourism Business Improvement District (LTBID) at its meeting held September 15, 2004; and

WHEREAS, the Lodi City Council now desires to appoint an Advisory Board for the LTBID; and

WHEREAS, the following is a list of names that have been recommended by Nancy Beckman, Executive Director of the Lodi Conference and Visitors' Bureau to sit on the Advisory Board:

Tabitha Freytag	Wine and Roses
Beth Kim	Comfort Inn
Sonny Patel	Wine Country Inn
Sunil Yadav	Modern Motor Lodge
Mary Wallace	Frames & Fine Things
Kelli Mettler	Wine & Visitor Center
Betty Hansen	Jewel Fine Wines

NOW, THEREFORE, BE IT RESOLVED that the Advisory Board is hereby appointed as recommended above.

Dated: September 15, 2004

=====

I hereby certify that Resolution No. 2004-192 was passed and adopted by the City Council of the City of Lodi in a regular meeting held September 15, 2004, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



SUSAN J. BLACKSTON
City Clerk



Wine & Roses Country Inn
Russel G. Munson
2505 W. Turner Road
Lodi, CA 95242

Del Rancho Motel
Ashvin R. Patel
501 N. Cherokee Lane
Lodi, CA 95240

Holiday Inn Express
Daryl Geweke
P.O. Box 1210
Lodi, CA 95241

Star Hotel
Jay K/Sangrita J. Patel
22 S. Main Street
Lodi, CA 95240

Budget Inn of Lodi
Suresh B. Patel
917 S. Cherokee Lane
Lodi, CA 95240

Comfort Inn – Lodi
KFP Management/Kyu S. Kim
118 N. Cherokee Lane
Lodi, CA 95240

Lodi El Rancho Motel
R&P Properties/Ramesh Pitamber
220 Harding Boulevard
Roseville, CA 95678

Modern Motor Lodge
Yadav & Associates
1050 S. Cherokee Lane
Lodi, CA 95240

Wine Country Inn
Shobhana/Surendra F. Patel
607 S. Cherokee Lane
Lodi, CA 95240

Rancho Grande Motel
Hasmukh M./Rita Bhakta
107 S. Cherokee Lane
Lodi, CA 95240

Traveler's Hotel
Ghanshyam A./Mita Patel
112 N. School Street
Lodi, CA 95240

Viking Motel
Rakesh G./Smita Patel
815 S. Cherokee Lane
Lodi, CA 95240

Loyal Host Inn
Chetan H. Pradeepkumar & Paresh Patel
10 S. Cherokee Lane
Lodi, CA 95240

Imperial Hotel
Mumraiez Ahmad
9 W. Oak Street
Lodi, CA 95240

Economy Inn
Hasmukh/Kalavati Bhakta
1100 S. Cherokee Lane
Lodi, CA 95240

Lain Hotel
Sunvant Bhatka
S. Main Street
Lodi, CA 95240

EXHIBIT B

Wine & Roses Country Inn
Tabitha Freytag
2505 W. Turner Road
Lodi, CA 95242

Comfort Inn – Lodi
Beth Kim
118 N. Cherokee Lane
Lodi, CA 95240

Wine Country Inn
Sonny Patel
607 S. Cherokee Lane
Lodi, CA 95240

Modern Motor Lodge
Sunil Yadav
1050 S. Cherokee Lane
Lodi, CA 95240

Frames & Fine Things
Mary Wallace
18 W. Pine Street
Lodi, CA 95240

Wine & Visitors Center
Kelli Mettler
2545 W. Turner Road
Lodi, CA 95242

Jewel Fine Wines
Betty Hansen
3750 E. Woodbridge Road
Woodbridge, CA 95258

Nancy Beckman, Executive Director
Lodi Conference & Visitors' Bureau
2545 W. Turner Road
Lodi, CA 95240